

WILLIAM W. MANLOVE, OSB #891607
Senior Deputy City Attorney
william.manlove@portlandoregon.gov
Office of City Attorney
1221 SW 4th Ave., Rm. 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089

*Of Attorneys for Defendants City of Portland,
Christopher Devlin, Scott Groshong, Officer Castaneda,
Michael Jones, and Timothy Robinson*

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

MERRICK JOHN BONNEAU,
Individually and on behalf of a class of others
similarly situated,

Plaintiff(s),

v.

UNITED STATES,
CITY OF PORTLAND,
GUY GINO, Personally,
CHRISTOPHER DEVLIN, Personally,
SCOTT GROSHONG, Personally,
OFFICER CASTANEDA, Personally,
MICHAEL JONES, Personally,
TIMOTHY ROBINSON, Personally,

Defendants.

Case No. 3:18-cv-00518-SI

**DEFENDANTS TIMOTHY ROBINSON
AND MICHAEL JONES' RESPONSE TO
PLAINTIFF'S MOTION FOR LEAVE TO
CONTINUE THE DEPOSITIONS OF TIM
ROBINSON AND MICHAEL JONES**

///

///

///

Page 1 – DEFENDANTS TIMOTHY ROBINSON AND MICHAEL JONES' RESPONSE TO
PLAINTIFF'S MOTION FOR LEAVE TO CONTINUE THE DEPOSITIONS OF TIM
ROBINSON AND MICHAEL JONES

Defendants Timothy Robinson and Michael Jones (“Defendants”) respond to Plaintiff’s Motion for Leave to Continue the Depositions of Tim Robinson and Micheal [sic] Jones (“Plaintiff’s Motion”) and Plaintiff’s Memorandum in Support of Plaintiff’s Motion (“Plaintiff’s Memorandum”) as follows:

BACKGROUND

The facts surrounding Plaintiff’s action are relatively straight-forward. Plaintiff alleges he was returning to Portland on April 13, 2016 via an Amtrak train when he was stopped and subsequently arrested by Portland police officers at the Amtrak station in downtown Portland. (See Amended Complaint, ¶ 10.) (Docket No. 16.) (“Amended Complaint.”) These particular facts are undisputed. (See City Defendants’ Answer and Affirmative Defenses to Amended Class Action Complaint, ¶ 10.) (Docket No. 18.) (“Answer.”) However, Plaintiff alleges the stop and arrest by the City’s police officers was done without reasonable suspicion or probable cause. (See Amended Complaint, ¶ 10.) The City Defendants, on the other hand, have answered that both the stop and arrest were supported by reasonable suspicion and probable cause, respectively. (See Answer, ¶ 10, 76, 77.) In sum, this action is about the legality of a stop and arrest by Portland police officers.

RE-OPENING DEPOSITIONS

Plaintiff argues that the Court should re-open the depositions of Defendants Robinson and Jones because his previous attorney, Mr. Berman, did not ask the ten pages of questions Plaintiff wanted Mr. Berman to ask. (Plaintiff’s Memorandum, page 2, ¶¶ 1, 4, and 5.) Mr. Berman, however, chose the deposition schedule and chose the amount of time he needed to question the City’s police officers. (Plaintiff’s Memorandum, page 2, ¶ 2.) When Mr. Berman exceeded the allotted time with both Sergeant Robinson and Officer Jones, he continued to examine each witness beyond that time. (Plaintiff’s Memorandum, page 2, ¶¶ 4, 5.) This was done

without objection. Similarly, when Mr. Berman fell ill, he concluded the depositions for that day. (*Id.*) This was also acceded to by Defendants' counsel.

These choices show Mr. Berman was capable and willing to adjust the deposition schedule to his and his client's needs. Clearly, Mr. Berman completed Sergeant Robinson's deposition because he began Officer Jones' deposition. Likewise, Mr. Berman completed Officer Jones' deposition because he began Officer Devlin's deposition. (Plaintiff's Memorandum, page 2, ¶ 6.)

Plaintiff's dissatisfaction with his former attorney's choices is between Plaintiff, Mr. Berman, and the Oregon State Bar. Defendants Robinson and Jones should not be made to appear again for a second deposition.

However, in the event the Court grants Plaintiff's Motion, Defendants Robinson and Jones respectfully ask the Court to limit each of their depositions to one (1) hour in length. Fed. R. Civ. P. 26(c)(1)(B). Given that these Defendants have already appeared and been examined, one hour is appropriate and proportional to the needs of the case. See Fed. R. Civ. P. 26(b)(1).

Dated: February 18, 2020

Respectfully submitted,



WILLIAM W. MANLOVE, OSB # 891607
Senior Deputy City Attorney
Telephone: (503) 823-4047

*Of Attorneys for Defendants City of
Portland, Scott Groshong, Christopher Devlin,
Officer Castaneda, Michael Jones, and Timothy
Robinson*

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing DEFENDANTS TIM ROBINSON AND MICHAEL JONES' RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO CONTINUE THE DEPOSITIONS OF TIM ROBINSON AND MICHAEL JONES on:

February 18, 2020, via ECF electronic notice at dianne.schweiner@usdoj.gov:

Dianne Schweiner
U.S. Department of Justice
1000 SW Third Avenue, Suite 600
Portland, OR 97204

Of Attorneys for Defendants Guy Gino and United States of America

I hereby certify that I served the foregoing DEFENDANTS TIM ROBINSON AND MICHAEL JONES' RESPONSE TO PLAINTIFF'S MOTION FOR LEAVE TO CONTINUE THE DEPOSITIONS OF TIM ROBINSON AND MICHAEL JONES on:

Merrick Bonneau
6111 NE Glisan
Portland, OR 97213
Email: merrickbonneau@hotmail.com
Self-Represented Litigant

on February 18, 2020, by causing a full, true and correct copy thereof, addressed to the last-known address (or fax number) of said self-represented litigant, to be sent by the following method(s):

by **mail** in a sealed envelope, with postage paid, and deposited with the U.S. Postal Service in Portland, Oregon.

by **email**.



WILLIAM W. MANLOVE, OSB #891607
Senior Deputy City Attorney
Telephone: (503) 823-4047
*Of Attorneys for Defendants City of
Portland, Scott Groshong, Christopher Devlin,*